

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00077

JULIO GOMEZ-GONZALEZ

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 1, 2013, the United States of America appeared by Blaire L. Malkin, Assistant United States Attorney, and the defendant, Julio Gomez-Gonzalez, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Jeffrey D. Bella. The defendant commenced a twenty-six month term of supervised release in this action on April 5, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on August 30, 2012.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to report to the probation officer within 72 hours from his release from custody inasmuch as he was released from the custody of the Bureau of Prisons on April 5, 2013, and had not made contact at the time of the filing of the petition on May 8, 2013, rendering his whereabouts unknown; and (2) the defendant committed the state and local offenses of destruction of property, public intoxication and battery of a police officer for which he was arrested on May 23, 2013, by members of the Huntington Police Department, as evidenced by the defendant's admission on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

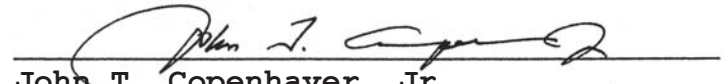
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ELEVEN (11) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Gilmer.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 8, 2013


John T. Copenhaver, Jr.
United States District Judge